THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17119 OF 2006

Date: 04-09-2006

Between:
Bangarigallu Seenaiah Petitioner

And

The State Election Commissioner, A.P.,Hyderabad and others

Respondents

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.17119 OF 2006

ORDER:

1. The writ petition is filed for a Writ of Mandamus declaring the action of the respondents 1 to 4 in declaring the respondent No.6 as elected as a Member of Ward No.3 of Chandradana Grampanchayat, Thalakondapalli Mandal, Mahabubnagar District by adding one invalid vote in his favour and further by way of a TOSS, though the petitioner secured more votes than the 6th respondent, as illegal, arbitrary, unjust, malafide and without jurisdiction and against the Rule-36 of A . P . Panchayat Raj (Conduct of Elections) Rules,1994 and consequently direct the respondents 1 to 4 to declare the petitioner as elected for Ward No.3 of Chandradana Grampanchayat, Thalakondapalli Mandal, Mahabubnagar District, after the process of recounting by following due procedure as contemplated under the said Rules and to pass such other suitable orders.

2. The grievance of the petitioner is that Rule 36 of A.P. Panchayat Raj (Conduct of Elections) Rules, 1994 had not been followed. Several other factual aspects had been narrated in detail in the affidavit filed in support of the writ petition. It is needless to say that the writ petitioner is having a remedy by way of election petition. In view of the same, liberty is given to the petitioner to approach an appropriate Election Tribunal.

3. The writ petition is disposed of accordingly. No order as to costs.

04-09-2006

Stp